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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/024,558 | 12/21/2001 | Hwan Kim | 2950-0201P | 3606 |
| 2292 7590 01/24/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | EXAMINER FLETCHER, MARLON T | |
| | | | ART UNIT 2837 | PAPER NUMBER |
| | | | NOTIFICATION DATE 01/24/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/024,558

Applicant(s)

KIM, HWAN

Examiner

Marlon T. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10,12 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,10,12 and 17-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

The final was withdrawn because of the priority of the present invention.

However, an English translation of the foreign reference to same prior art used in the final rejection is provided, herewith. The new rejection follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-6, 9, 10, 12, and 17-21, and 23-27, are rejected under 35 U.S.C. 102(e) as being anticipated by Shin et al. (English Translation - KR 2000-43865).

As recited in claims 1, 17, and 23, Shin et al. discloses a method of displaying a directory structure of a recording medium, comprising the steps of examining a directory structure and attributes of data files recorded on the recording medium (Figure 4; page 2, paragraphs [12] and [13]); and generating a mark for visually differentiating directories including at least one file of a pre-specified attribute, based on the examined

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attribute information (pages 3 and 4, paragraphs [22], [23], and [26]). The directory can be viewed to see whether or not certain pre-specified attributes are present, wherein attributes can be assigned to a specific song or songs, or attributes can be genre or etc (page 4, [26] and [27]). It is inherent that if the attributes can not be view in the directory, that the directory does not include the specified attributes.

As recited in claims 2, 18, 25-27, Shin et al. discloses the method, wherein said pre-specified attribute is MP3 music (page 3, [16]) wherein the MP3 files can be classified in the same manner as seen in figure 1.

As recited in claim 4, Shin et al. discloses the method, wherein a display screen according to said displaying step includes the uppermost directory information for said each file as seen in figure 1.

Shin et al. (claims 1, 17, and 23) disclose a method of displaying a directory, wherein a display of the generated mark (page 4, [26] in association with the examined directory structure information is provided as seen in figures 1 and 4.

As recited in claims 4 and 19, Shin et al. disclose the method, wherein a display screen according to said displaying step includes the uppermost directory information for said each file as seen in figure 1.

As recited in claims 5, 6, 20, and 21, Shin et al. disclose the method, wherein said mark for visually differentiating a directory is displayed in connection with the name of a directory, including at least one file of said pre-specified attribute or not including any file attribute (page 4, [23] –[26]).

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As recited in claim 9, Shin et al. disclose a method of displaying directory structure of a recording medium, comprising the steps of: examining a directory structure and attributes of data files recorded in a recording medium and selecting one or more directories including at least one file of a pre-specified attribute based on the examined attribute information, and displaying the selected directories with their respective hierarchical structures (figure 1 and 4) (page 4, [22] – [26]). Figure 4 provides all the information needed for displaying a directory, wherein inherently a non-selected directory can be excluded from being displayed, wherein if not selected, it is not displayed.

As recited in claims 10 and 24, Shin et al. discloses the method, wherein said selecting and displaying step further displays filenames of the pre-specified attribute files under the selected directories (page 4, [26] – [27]).

As recited in claim 12, Shin et al. disclose the method, wherein said pre-specified attribute is MP3 music (page 3, [19]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. in view of Moriyama et al. (6,067,282).

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Shin et al. are discussed above. Shin et al. do not provide a mark on a file, wherein the mark is a number.

However, Moriyama et al. provide a method, wherein a mark for visually differentiating a directory, is information on the number of files included in a directory as seen in figures 11 and 15.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Moriyama et al. with the apparatus Shin et al., because Moriyama provides a numerical representation related to a file in the directory for providing the user with more information for locating a file.

Response to Arguments

6. Applicant's arguments filed 10/06/2006 have been fully considered but they are not persuasive. With regards to the priority, the final has been withdrawn. However, since the English translation of the foreign prior art reference precedes the priority of the present invention, the final is reinstated. The reference differs only by date, wherein the subject matter is the same. Therefore, this not a new reference, merely a translation that precedes the present application by date.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

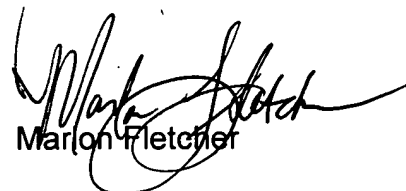
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-w, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MTF
January 09, 2007

A handwritten signature in black ink, appearing to read 'Marlon Fletcher', is written over a printed name.

Marlon Fletcher

Primary Examiner